

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Land Acquisition – Mahaboobnagar District – Peddamandadi Mandal –Peddamandadi village – Land acquired for check dams- Amount towards decretal charges in OP No.24, 25 & 26 of 1999 in W.P's 21155/08, 21231/08 –Rs. 2,03,508/--Sanction orders-Issued.

IRRIGATION & C.A.D.(PW-LA.II) DEPARTMENT

G.O. Rt. No. 587

Dated: 04.09.2010

Read the following:

1. From the Collector, Mahabubnagar Lr.No. G2/6412/2004, Dt: 10.1.2009
2. From the Chief Commissioner of Land Administration, Hyderabad Lr.No. G3/90/2009, Dated: 25.4.2009.

ORDER:

The District Collector, Mahabubnagar and Special Chief Secretary to Government & Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad in the reference 1st and 2nd read above have submitted decretal charges proposals in O.P. 24, 25, and 26 of 1999 for an amount of Rs.1,79,541/- (Rupees One Lakhs Seventy Nine thousand Five hundred and forty one only) for an extent of Ac.7.16 Guntas dry land in Sy.No. 632/2, 633/2, and 562/2 etc., acquired through Award No. 5/98, dated: 28.10.1998 for construction of Check Dams of Peddamandadi Village and Mandal, Mahabubnagar District. The District Collector, Mahabubnagar has informed that the Assistant Collector, Gadwal in the capacity of LAO passed award on 28-10-98 fixing the market value of land covered by acquisition as Rs 5,000/- per acre. Aggrieved by the decision of LAO the land holders filed petition u/s 18 of L.A Act and the matter was referred to Court of Senior Civil Judge, Wanaparthy. The said references were registered as OP.NO.24/99,25/99&26/99 in the said Court. The Senior Civil Judge, Wanaparthy delivered judgment in the said O.Ps on 13-07-2001 by fixing the market value of area covered by acquisition as Rs.22,000 per acre in addition to other statutory benefits. Aggrieved by the judgment, the LAO has preferred an Appeal before the Hon'ble High Court. The Hon'ble High Court has allowed the appeals partly. According to the judgment of Hon'ble High Court of Andhra Pradesh, dt. 4-12-06 in AS NO.700/04,1064/04 AND in AS NO 563/04, dt.20-11-06 the claimants are entitled to interest from the date of issuance of 4(1) notification at 9% per annum for one year and there after at 15% per annum. The appellate court confirmed the decision of lower court in all other respects. The Government Pleader, Hon'ble High Court of Andhra Pradesh opined that the cases are not fit to prefer further appeals to Hon'ble Supreme Court of India. Keeping in view of the advise of Government Pleader, High Court of Andhra Pradesh, no further appeals were filed, and as per interim orders ½ of the decretal charges were deposited in court and the balance amount is payable. The claimants filed WP in Hon'ble High Court of Andhra Pradesh with a request to direct the respondents to deposit entire decretal amount in court. The Hon'ble High Court of Andhra Pradesh, on 30-10-2008 in WP No.21155 of 2008 has issued direction directing the respondents to deposit the compensation due to the claimants within (3) months w.e.f.30-10-2008. The Commissioner (Legal Affairs) has opined that the appeal in this case was disposed off on 20-11-2006. The contents of the judgment of the said appeal go to show the point involved in this appeal and in AS No.2612/99 in which the judgment was delivered on 17-2-2000 is one and the same. The Hon'ble High Court partly allowed the appeal basing on the earlier judgment of the High Court in AS No.2612/99. Practically there are no legal grounds for further appeal and moreover, further appeal is time barred.

2) In the circumstances the Special Chief Secretary to Government & Chief Commissioner of Land Administration, Hyderabad has forwarded the proposal of the District Collector, Mahaboobnagar for sanction of decretal charges as calculated by his office for an amount of Rs.2,03,508/- in respect of O.P.Nos. 24, 25 & 26 of 1999 pertaining to Peddamandadi (Village) and (Mandal) of Mahaboobnagar District.

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3) Government after careful examination of the matter, hereby accord sanction for an amount of Rs. 2,03,508/- (Rupees two lakhs three thousand five hundred and eight only) towards decretal charges to be deposited in the Lower Court in respect of O.P. Nos. 24, 25 & 26 of 1999 pertaining to Peddamandadi (Village) and (Mandal) of Mahaboobnagar District for an extent of Ac.7.16 Guntas dry land in Sy.No. 632/2, 633/2, and 562/2 etc., acquired through Award No. 5/98, dated: 28.10.1998 for construction of Check Dams of Peddamandadi (V) and (M), Mahabubnagar District, subject to verification whether the reference under Section 18 (1) of the L.A. Act is made to the Lower Court after following all the guidelines/directions on the subject and in case, it is detected that section 18 reference was made contrary to the rules/guidelines issued by the Government/Chief Commissioner of Land Administration, Hyderabad, immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the CE as to the extent of land acquired. Further the District Collector, Mahabubnagar should verify the calculations made by the LAO, once again thoroughly with reference to the decree and instructions issued by the Government/Chief Commissioner of Land Administration, Hyderabad on the subject from time to time, before depositing the amount in the Lower Court.

4) The District Collector, Mahabubnagar is directed to deposit the above sanctioned decretal amount in the respective court after thorough verification of calculations made by the LAO once again at his level and also verify the decrees and decretal charges, if any, already paid duly deducting the Income Tax as per rules. He is also directed to follow the directions of Hon'ble High Court dated: 30.4.2007 in W.P. No. 2181/2005 in depositing the above sanctioned decretal amount in the respective court.

5) The amount sanctioned in para (3) above shall be debitable to the detailed Head of Account "M.H. 4702-COL on MI-M.H.-101 S.W. - GH- (11) - Normal state plan - SH (12) C & R of MI Schemes - 530 Major Works/ 532 Lands charges". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure may be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

6) This order issues with the concurrence of Finance (W&P) Department vide their U.O.No. 21383/692/Exp.P.W./AI/10, Dated: 12.8.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER,
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Special Chief Secretary to Government & CCLA, A.P. Hyderabad

The District Collector, Mahabubnagar

The Assistant Collector, Gadwal, Mahabubnagar District

The Revenue Divisional Officer, Gadwal, Mahabubnagar District

The Engineer-in-Chief, Hyderabad

The Superintending Engineer(P), Irrigation, Gadwal

The Director of Works and Accounts, Hyderabad

The District Treasury Officer, Mahabubnagar

The Sub-Treasury Officer, Gadwal, Mahabubnagar District

The Joint Director, Works and Accounts, Gadwal, Mahabubnagar Dt.

The Pay & Accounts Officer, Mahabubnagar

Copy to

P.S. to Minister (M & MI)

Law Department/Finance (W&P) Department

Principal Secretary (I) Peshi

C.No. 9618/L.A.II/A2/2009

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//FORWARDED:: BY ORDER//

SECTION OFFICER